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REMARKS

Claims 1-10 and 12-26 were examined by the Office, and in the final Office Action of April 15, 2008 all claims are rejected. With this response no claims are amended. Applicant respectfully requests reconsideration and withdrawal of the rejections in view of the following discussion.

Claim Rejections Under § 112

In section 4, on page 2 of the Office Action, claims 1-10 and 12-26 are rejected under 35 U.S.C. § 112, first paragraph as being to comply with the written description requirement. The Office asserts that the limitation “wherein the first antenna is for reception and transmission of signals in at least the first frequency band, and the second antenna is only for reception of signals in at least the first frequency band and the second frequency band.” That Office states that it is not clear and adequately disclosed how the limitation is carried as per the originally filed specification. However, applicant respectfully disagrees, and asserts that this subject matter was described in the specification in such a way as to reasonable convey to one skilled in the relevant art that the inventor at the time the application was filed had possession of the claimed invention.

Applicant respectfully notes that the Office merely asserts that this limitation is not disclosed by the specification, but fails to state the reasons why the Office believes that the specification fails to support this limitation. In particular, the Office fails to clarify which aspects of the limitation are believed to be unsupported. In rejecting a claim under the first paragraph of 35 U.S.C. § 112 it is incumbent upon the examiner to establish that the originally-filed disclosure would not have reasonably conveyed to one having ordinary skill in the art that the inventor had possession of the claimed invention. *Ex parte Parks*, 30 USPQ2d 1234, 1236 (BPAI 1994). The Office has merely asserted that the limitation is not supported, but has not stated why the limitation is not supported by the specification.

Furthermore, applicant respectfully submits that the subject matter recited in the limitation is sufficiently supported by the specification. For example, the specification states “mobile telephone 1300 comprises an antenna 1310 that communications (e.g. transmit and receive) radio frequency signals with one or more base stations.” *See* specification page 19, lines 19-21. At least this section supports the limitation “the first antenna is for reception and transmission of signals in at least the first frequency band.” The specification also states “the

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mobile telephone 1300 can include a separate signal-receiving component (not shown).” See specification page 19, lines 23-24. At least this section supports the limitation, “the second antenna is only for reception of signals in at least the first frequency band and the second frequency band.” This limitation is also supported at least by page 10, lines 7-9 and 26-29, where it is stated that an antenna can be configured to receive either GPS or PCS data. Furthermore, Figures 1 and 2 show receiving components, but do not describe transmission components. Adequate description under the first paragraph of § 112 does not require *literal* support for the claimed invention, rather it is sufficient if the originally-filed disclosure would have conveyed to one having ordinary skill in the art that the inventor has possession of the concept of what is claimed. *Ex parte Parks*, 30 USPQ at 1236 (emphasis in original). Therefore, there is no requirement that the applicant specifically state in the specification that an antenna is only for reception, when applicant has sufficiently described an antenna configuration that could be used only for reception. See *e.g.* Figures 1 and 2. Therefore, for at least the reasons discussed above, applicant respectfully requests withdrawal of the rejection to the claims.

Claim Rejections Under § 103

In section 6, on page 3 of the Office Action, claims 1-2, 5-6, 8-9, 13-14, 16-22 and 24-25 are rejected under 35 U.S.C. § 103(a) as unpatentable over Leinonen et al. (U.S. Patent No. 6,826,391) in view of Tarusawa et al. (U.S. Patent No. 5,715,525). Applicant respectfully submits that claim 1 is not disclosed or suggested by the cited references, because the cited references fail to disclose or suggest all of the limitations recited in claim 1. Claim 1 recites that the first antenna is for reception and transmission of signals in at least the first frequency band, and the second antenna is only for reception of signals in at least the first frequency band and the second frequency band. The cited references at least fail to disclose the limitations recited in claim 1, in which one antenna is for both reception and transmission while another antenna is for reception only of signals in a first and second frequency band. Furthermore, the cited references also at least fails to disclose or suggest a control component configured to determine whether a received signal comprises signals in a second frequency band, and that the second antenna is configured for reception of signals in the second frequency band when the control component determines that the received signal comprises signals in the second frequency band, as recited in claim 1.

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The Office acknowledges on page 5 of the Office Action that Leinonen fails to disclose that the first antenna is for reception and transmission of signals in at least the first frequency band, and the second antenna is only for reception of signals in at least the first frequency band and the second frequency band. The Office asserts that a second antenna only for reception of signals in a first frequency band is very well known in the art, and provides Tarusawa as an example. However, applicant respectfully notes that the claimed limitations is “only for reception of signals in at least the first frequency band and the second frequency band,” and therefore it is irrelevant whether it is well known to provide a second antenna only for reception of signals in the first frequency band.

As previously discussed with respect to Figure 1a of Leinonen, Tarusawa also only discloses that the second antenna (A2) functions only as a reception antenna designed so as to resonate at the frequency band Bb of FDD reception. See Tarusawa column 6, lines 30-33. Therefore, the antenna A2 does is not for reception of first and second frequency bands as the second antenna in claim 1. While the antenna A1 is able to resonate at the frequency bands Ba, Bb, Bc, the antenna A1 is used for transmission and reception, and not only reception. See Tarusawa column 8, lines 24-27. Therefore, the antenna A1 also does not correspond to the second antenna recited in claim 1. Accordingly, Tarusawa provides no additional disclosure than what is discussed in Leinonen, and therefore cannot provide any motivation or suggestion to modify Leinonen to arrive at the claimed limitations. As discussed previously with respect to Figure 1a of Leinonen, the antenna system (1a) shown in Figure 1a discloses two antennas (10, 12). However, the reception antenna (12) can only be configured to be used in a first reception frequency, and therefore the reception antenna (12) is not for reception of signals in at least a first frequency band and a second frequency band as the second antenna is in claim 1. Therefore, the antenna system shown in Figure 1a does not disclose or suggest independent claim 1. Therefore, since it appears that Tarusawa discloses essentially the same subject matter as Figure 1a of Leinonen, the references combined cannot disclose or suggest all of the limitations recited in claim 1.

Furthermore, on page 3 of the Office Action, the Office acknowledges that Leinonen fails to explicitly teach a control component configured to determine whether a received signal comprises signals in a second frequency band, and a second antenna configured for reception of signals in the second frequency band when the control component determines that the received

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signal comprises signals in the second frequency band. However, the Office asserts that since Leinonen teaches a processor (94) for providing a control signal to a switch (34), and the switch (34) under the control signal conveys received signals by the antenna (13) in the second frequency band to the receiver (54) it would be obvious to modify Leinonen to include a control component configured to determine whether a received signal comprises a signal in the second frequency band. However, applicant respectfully submits that determining whether a received signal comprises a signal in a particular frequency band, i.e. second frequency band as in claim 1, is entirely distinct from providing control signals to switches so that the switches convey received signals from antennas to appropriate receiving components. Therefore, the differences between Leinonen and claim 1 are not an obvious modification of Leinonen.

The Office asserts that processor (94) reads on the control component of claim 1. Leinonen states that the combination of the received signals by the antennas (10) and (12) is carried out in the digital signal processor (94). See Leinonen paragraph [0061]. In contrast to the control component recited in claim 1, Leinonen states that the processor (94) combines the signals, and does not make any determination as to the type of signal received. Furthermore, while Leinonen states that the processor (94) may provide control signals (109), (110) and (111), none of these control signals are being provided as a result of the processor (94) determining which signal is being received. For example, when the system is operating in the reception mode, the antenna (10) may be tuned to the reception frequency by the tuner (20) under the control signal (109) so that the antenna (10) also receives GSM signals. See Leinonen Figure 4. However, merely providing a signal which indicates which mode the system is operating in is entirely distinct from determining whether a received signal comprises signals in a particular frequency band, as recited in claim 1. Instead, Leinonen only discloses that when in reception mode the antenna (10) may be tuned to receive GSM signals instead of transmitting GSM signals. However, this tuning is entirely independent of a determination as to what signals are being received by the other antenna (12). In Leinonen, there is no discussion or suggestion that the mode that the system operates in is dependent upon a determination as to what frequencies the received signal comprises.

Furthermore, the control signals (110) and (111) are for configuring switches (30) and (34) to route signals received by the antennas to the appropriate receivers. In contrast to claim 1, there is no determination made by the processor (94) as to what type of signals are being

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received, instead the signals (110, 111) are based upon what mode the system is in. In addition, the control signal (115) is also merely used to control switch (34) to convey the signals received by the antennas to the receiver. See Leinonen paragraph [0062]. Therefore, contrary to the assertions of the Office, Leinonen does not disclose or suggest a control component configured to determine whether a received signal comprises signals in a second frequency band, and that the second antenna is configured for reception of signals in the second frequency band when the control component determines that the received signal comprises signals in the second frequency band, as recited in claim 1. It is not an obvious modification of Leinonen to provide a control component configured to determine whether a received signal comprises a particular frequency band, because Leinonen provides no suggestion that the processor (94) or any other component could be configured for such use. In fact, the apparent motivation offered by the Office on page 3 of the Office Action merely recites the function of the systems discussed in Leinonen, and does not provide why one of skill in the art would be motivated to make the modification to Leinonen that the Office acknowledges must be made in order to disclose the limitations of claim 1.

For at least the reasons discussed above, applicant respectfully submits that claim 1 is not disclosed or suggested by Leinonen, and respectfully requests withdrawal of the rejection to claim 1.

Independent claims 17, 21-22 and 24 contain limitations similar to claim 1, and are rejected for similar reasons as claim 1. Therefore, for at least the reasons discussed above in relation to claim 1, claims 17, 21-22 and 24 are not disclosed or suggested by Leinonen.

The dependent claims rejected above, and depending from the above mentioned independent claims are not disclosed or suggested by Leinonen at least in view of their dependencies.

In section 7, on page 15 of the Office Action, claims 7 and 10 are rejected under 35 U.S.C. § 103(a) as unpatentable over Leinonen and Tarusawa in view of Braun et al. (U.S. Patent No. 6,980,782). Claims 7 and 10 all ultimately depend from an independent claim, and are patentable over the cited references at least in view of their dependencies.

In section 8, on page 16 of the Office Action, claims 3-4, 15 and 23 are rejected under 35 U.S.C. § 103(a) as unpatentable over Leinonen and Tarusawa in view of Eggleston (U.S. Patent

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No. 6,414,640). Claims 3, 4, 15 and 23 all ultimately depend from an independent claim, and are patentable over the cited references at least in view of their dependencies.

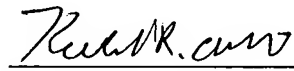
In section 9, on page 17 of the Office Action, claims 12 and 26 are rejected under 35 U.S.C. § 103(a) as unpatentable over Leinonen and Tarusawa in view of Balchunas et al. (U.S. Appl. Publ. No. 2006/0097171). Claims 12 and 26 all ultimately depend from an independent claim, and are patentable over the cited references at least in view of their dependencies.

Conclusion

Applicant respectfully submits that the present application is in condition or allowance, and such action is earnestly solicited. The undersigned hereby authorizes the Commissioner to change any fee deficiency required to submit this response to Deposit Account No. 23-0442.

Respectfully submitted,

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Keith R. Obert
Attorney for the Applicant
Registration No. 58,051

WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
755 Main Street, P.O. Box 224
Monroe, CT 06468
Telephone: (203) 261-1234
Facsimile: (203) 261-5676
USPTO Customer No. 004955